



**STATE OF WASHINGTON**  
**OFFICE OF THE STATE HUMAN RESOURCES DIRECTOR**

DIRECTOR'S REVIEW PROGRAM  
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October 16, 2012

TO: Teresa Parsons, SPHR  
Director's Review Program Supervisor

FROM: Kris Brophy, SPHR  
Director's Review Investigator

SUBJECT: Genevieve Rucki v. Department of Transportation (WSDOT)  
Allocation Review Request ALLO-12-016

**Director's Determination**

This position review was based on the work performed for the six-month period prior to July 19, 2011, the date WSDOT Human Resources received Ms. Rucki's request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Ms. Rucki's assigned duties and responsibilities, I conclude her position should be reallocated to the Marine Project Engineer classification.

**Background**

On July 19, 2011, WSDOT's Office of Human Resources (OHR) received Ms. Rucki's Position Description form (PDF), requesting that her Senior Marine Engineer (SME) position be reallocated to Marine Project Engineer (MPE). On February 2, 2012, Jennifer Martin, Human Resource Consultant, notified Ms. Rucki that her position was properly allocated to the SME classification based on the majority of duties assigned to her position (Exhibit A-2).

On March 1, 2012, the Office of State Human Resources Director received Ms. Rucki's request for a Director's review of WSDOT's allocation decision (Exhibit A-1).

On August 16, 2012, I conducted a Director's review telephone conference regarding the allocation of Ms. Rucki's position. Present during the meeting were Genevieve Rucki; Nicole McIntosh, Design Engineering Manager, WSDOT; Jennifer Martin, Human Resource Consultant; and Stacy Ragsdale, NW Region HR.

**Rationale for Director's Determination**

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the

available class specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

### Duties and Responsibilities

Ms. Rucki works in the WSDOT Washington State Ferries Division, Terminal Engineering office. During the review time period, Ms. Rucki served as the project manager for the Seattle Terminal Building and North Trestle Replacement and other projects.

Ms. Rucki describes her duties in the position description form (PDF) submitted for reallocation as follows:

- 30% Provides supervision to multi-disciplinary teams of WSF, WSDOT, and outside Consultant engineers (structural, mechanical, electrical, architectural, marine, environmental, geotechnical, and civil) for ferry terminal design projects, from programmatic scoping phase, through the environmental phase, preliminary, and final PS&E. Assumes responsibility for the design work and environmental documentation done under her direct supervision and stamps engineering drawings, specifications, and reports prepared by subordinate staff.
- 25% Develops avoidance/minimization/mitigation strategies for complex ferry terminal projects through coordination with Tribal governments, permitting agencies, environmental managers, and cultural resources/archaeological specialists.
- 20% Develops and implements project scope and phasing strategies optimizing program delivery within the NEPA/SEPA environmental process and permitting constraints. Takes a lead role in determining construction schedules and phasing plans to minimize impacts to Operation. Coordinate with key WSF/WSDOT personnel to ensure that projects support the overall mission of the Agency.
- 5% Represents WSF to local, federal, and other State agencies responsible for environmental documentations, permitting, and funding approval.

Ms. Rucki is the project manager for the Seattle Terminal Building and North Trestle Replacement (\$192 million) and the Seattle Slip 3 Overhead Loading and Transfer Span Replacement (\$41 million) projects. Ms. McIntosh stated during the conference that the Seattle Terminal project is the highest costing project in the Terminal Design Office, with a total of approximately fifty internal staff and external consultants working on the project. Ms. Rucki stated during the review telephone conference that the project requires frequent coordination and briefings with key WSF personnel, including the Assistant Secretary. Ms. Rucki manages the engineering and environmental work, and represents WSF to local and federal agencies regarding permitting, regulations, and agreement negotiations.

Ms. Rucki clarified during the review telephone conference that she began supervising one Marine Engineer position in December 2011 as indicated in WSDOT's allocation determination (Exhibit A-2); however, for the six month period prior to the date she submitted her request for a position review (i.e. July 19, 2011), she directly supervised two Marine Engineers which included responsibility for stamping their engineering deliverables, drawings, specifications, and reports for the project (See exhibit B-6).

Ms. Rucki reports to a Marine Project Engineer (MPE) position which reports to Ms. Nicole McIntosh, Design Engineering Manager. During the review telephone conference Ms. Rucki explained that the MPE position was vacant during the review period and that she reported directly to Ms. McIntosh.

Ms. Rucki stated during the conference that the Seattle Terminal project team is structured so that she functions as the Project Engineer reporting directly to Ms. McIntosh without the involvement of the Marine Project Engineer. She stated this occurred during the review period when her supervisor's position was vacant and still continues currently. Ms. Rucki stated the scope of the Seattle Terminal project encompasses managing the programmatic scoping phase, the environmental (NEPA) phase through to the preliminary design and final PS&E.

Ms. McIntosh completed and signed the supervisor's section of the PDF and fully supports Ms. Rucki in her reallocation request. During the review telephone conference, Ms. McIntosh stated that the scope of Ms. Rucki's project management responsibility for the Seattle Terminal project is consistent with the MPE class level. She stated that based on the level of complexity and the factors that go into managing the project, including working environmental issues (NEPA), the level of interaction with the Port of Seattle and other stakeholders, the number of external consultants and internal WSDOT staff working together on this project is consistent with the higher level of responsibility found in the MPE class level.

Ms. McIntosh stated that she generally manages the overall delivery of projects within the Office, but that Ms. Rucki is responsible for the delivery of the Seattle Terminal project and performs a number of higher level administrative and managerial functions for the project. Ms. Rucki clarified that she makes all the engineering design decisions and has independent authority for making interagency contacts, presenting to outside agencies, making strategic decisions when it comes to working with the City of Seattle and Port District. She stated Ms. Rucki develops briefing papers, monitors the budget and prepares and presents status reports to higher level DOT management and various federal agencies.

#### Summary of WSDOT's Reasoning

WSDOT acknowledges Ms. Rucki serves as the project manager for the Seattle Terminal Building and North Trestle Replacement project, which is a large and complex project. However, WSDOT asserts Ms. Rucki's capacity as project manager does not include full responsibility for supervising a marine design team as required. WSDOT asserts Ms. Rucki's position supervises one position, and does not have full supervisory responsibility for the remainder of the project's staff which includes selecting, training and development, planning, performance, and corrective action as required. WSDOT asserts that because a Professional Engineer's license is a requirement of her position, it is appropriate that she stamps her own work and the work of the staff that she oversees.

WSDOT asserts that Ms. Rucki provides overall project management direction rather than supervision to the project team which is consistent with the Senior Marine Engineer class.

#### Summary of Ms. Rucki's Perspective

Ms. Rucki asserts that she provides a blend of direct supervision and project leadership to a project team composed of WSDOT, WSF staff and Consultants, as shown on the organizational

chart in Exhibit B-6. Ms. Rucki contends she directly supervised two Marine Engineers during the review period which included responsibility for stamping their engineering deliverables, drawings, specifications, and reports as stated in the MPE classification. Ms. Rucki asserts her project management supervisory responsibility extends to the external consultants and other WSDOT project technical staff. Ms. Rucki asserts that she has full accountability for the delivery of the Seattle Terminal project serving as both the Project Engineer and Project Manager for that project.

Ms. Rucki asserts that the overall level and scope of project management functions she performs and the level of supervision she exercises over internal staff and external consultants reach the requirements of the MPE class. Therefore Ms. Rucki contends that her position should be allocated to the MPE classification.

#### Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations. While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification.

Most positions within the civil service system occasionally perform duties that appear in more than one classification. However, when determining the appropriate classification for a specific position, the duties and responsibilities of that position must be considered in their entirety and the position must be allocated to the classification that provides the best fit overall for the majority of the position's duties and responsibilities. Dudley v. Dept. of Labor and Industries, PRB Case No. R-ALLO-07-007 (2007).

#### Comparison of Duties to Senior Marine Engineer

In Jane McLean v. Community Colleges of Spokane, PRB Case No. R-ALLO-07-022 (2008) the board held that, "Here, as in Liddle-Stamper, we are comparing the duties and responsibilities of Appellant's position to the available classification specifications. We are considering the relevant classifications that were in effect on the date that Appellant requested her review from CCS.... [See Boekhoff v. Bellevue Community College, PRB Case No. R-ALLO-07-002 (2007)].

The Definition for the Senior Marine Engineer class states:

In the Washington State Department of Transportation, Washington State Ferries, terminal design office, performs senior-level professional marine engineering work and project management functions for the design of ferry terminal and marine facilities projects.

The Distinguishing Characteristics that were in effect on the date of the reallocation request for this class states:

Work is characterized by journey-level professional engineering procedures and techniques to accomplish a wide variety of work in the marine environment.  
Assigned work as lead engineer on small or less complex ferry terminal or facility

projects, or assigned as a part of a team of engineers on larger more complex projects. Final work project must be stamped by a licensed engineer.

Components that determine whether a project is complex or not, are those items having two or more of the following elements, which comprise the majority of the total job assignment:

1. Environmental issues requiring SEPA environmental impact statements (projects that have mitigated declaration of non significance are considered less complex) or NEPA environmental assessments (less complex) or environmental impact statements (more complex);
2. Environmental permits (Shoreline, Section 404, and building are more complex);
3. Responsibility for administrative details of contracts for consultants;
4. A level of impact causing disruption to ferry service and/or intermodal transfers.

The Definition of this class describes aspects of Ms. Rucki's work performing senior-level marine engineer work in the terminal design office. Ms. Rucki performs professional marine engineering work and project management functions for the design of ferry terminal and marine facilities projects.

However, Ms. Rucki's duties and responsibilities extend beyond the senior-level work described in the Senior Marine Engineer class specification and fully exceed the Distinguishing Characteristics which describe performing journey-level professional engineering procedures and techniques. Her duties exceed performing lead engineer on small or less complex ferry terminal or facility projects, or working as a part of a team of engineers on larger more complex projects. Ms. Rucki's position also exceeds the requirements of this class of having her final work stamped by a licensed engineer.

During the review time period, Ms. Rucki reported directly to Ms. McIntosh, the Design Engineering Manager for the Terminal Design Office. During this period her duties included performing at a higher level of responsibility and performing a broader scope of administrative and project management functions for the Seattle Terminal project than anticipated by this class. Ms. Rucki serves as a Project Manager and Project Engineer and makes all the engineering design decisions for her projects. She has independent authority for making interagency contacts, presenting the project to outside agencies, and making strategic decisions with regard to working with the City of Seattle and Port District. Ms. Rucki develops briefing papers, monitors the budget and prepares and presents status reports to higher level DOT management, including the Assistant Secretary and various other federal agencies.

As a whole, the overall scope and level of project management responsibility assigned to her position reaches beyond the requirements of the Senior Marine Engineer class. In addition, there is a higher level class which specifically addresses her responsibility for staff supervision and her responsibility for stamping her own work and the work of her subordinate staff. For these reasons, her position should not remain allocated to the Senior Marine Engineer level class.

### Comparison of Duties to Marine Project Engineer

The Definition for Marine Project Engineer states, in part:

In the Washington State Department of Transportation, Washington State Ferries, terminal design office, supervises a marine engineer design team responsible for the design of marine terminals and seals with a professional engineer's stamp the engineering work of self or the design team.

The DOP, *Glossary of Classification Terms* defines "Supervisor" as:

"An employee who is assigned responsibility by management to participate in all of the following functions with respect to their subordinate employees:

- Selecting staff
- Training and development
- Planning and assignment of work
- Evaluating performance
- Resolving grievances
- Taking corrective action

Participation in these functions is not routine and requires the exercise of individual judgment."

Although the Typical Work examples do not form the basis for an allocation, they lend support to the work envisioned within a classification. The following provides an example of the level of work assigned to the Marine Project Engineer class, as stated on the class specification:

Assumes responsibility for the design work done under his/her direct supervision and stamp engineering drawings, specifications and reports as prepared by subordinate staff;

Manages ferry terminal design projects from the problem statement/prospectus stage, through environmental/permitting, preliminarily design and final PS&E;

Coordinates reviews with other disciplines, such as civil, structural, architectural, electrical and mechanical engineering;

Supervises a marine design team consisting of marine engineers, consultants or WSDOT employees; responsible for hiring, performance evaluations and corrective/disciplinary actions;

Administers the development of design development schedules and budgets; monitors expenditures and progress; determines construction schedules and phasing to minimize impact to Operations; Coordinates with Port Captains, Port Engineers and other key personnel for WSF;

Represents WSF to local, federal and other state agencies responsible for environmental documentation, permitting and funding approval;

Develops and implements project scope and phasing strategies optimizing program delivery within environmental and permitting constraints;

Develops and implements public involvement programs for projects.

Ms. Rucki's position reaches the primary allocating criteria stated in the definition of this class of supervising a marine engineer design team responsible for the design of marine terminals. During the Director's review conference, the parties clarified Ms. Rucki directly supervised two Marine Engineer positions for the six month period prior to July 19, 2011, which included responsibility for performing the full range of supervisory functions for those positions as defined in the DOP's Glossary of terms.

Additionally, as stated in the definition and further clarified in the typical work statements of this class, Ms. Rucki has responsibility for the design work done under her direct supervision. She states in Exhibit B-6 that her position includes responsibility for stamping the engineering deliverables, drawings, specifications, and reports of her own work and the work of her subordinate staff. Further, Ms. Rucki's position exercises a level of supervisory responsibility over external consultants working on the project. During the review conference Ms. Rucki stated that she is responsible for the selection of the consultants working on the project, that she is responsible for managing their performance while they are working under contract, and that she completes standard WSDOT performance assessments of the consultants and/or consulting firm upon completion of their project deliverables. This level of responsibility is consistent with the statement, "...supervises a marine design team consisting of marine engineers, consultants or WSDOT employees; responsible for hiring, performance evaluations and corrective/disciplinary actions."

Ms. Rucki acknowledges that in the Terminal Engineering office, the designated project engineer for a project supervises the consultants and other WSDOT project technical support staff, but that these individuals report directly to their own supervisors. During the review conference, Ms. McIntosh clarified this point by saying that the Terminal Engineering Office utilizes a "matrix" style reporting structure, indicating that while the engineers or other WSDOT project technical staff are working on the (Seattle Terminal and other) project(s) they receive their work direction from Ms. Rucki as the Project Engineer; but when they are not specifically working on the project they receive their assignments from, and still report directly to, their designated supervisor. Ms. Rucki clarified that supervision of WSDOT project technical staff while working on the Seattle Terminal project is implemented through internal task agreements which are used to establish and monitor the performance of project technical support staff through the Project Engineer (in this case Ms. Rucki). This level of responsibility is consistent with the statement, "coordinates reviews with other disciplines such as civil, structural, architectural, electrical and mechanical engineering..."

Ms. Rucki has full accountability for the delivery of the Seattle Terminal project serving as both the Project Engineer and Project Manager for that project. Her responsibility for the project includes managing the design phase of the project from the problem statement/prospectus stage, through environmental/permitting, preliminarily design and completing the final PS&E. Ms. Rucki is responsible for the overall delivery of the Seattle Terminal project. Ms. Rucki performs higher-level administrative and managerial functions for that project. She is responsible for the internal agreements or task agreements to build the project team. She makes all the engineering design decisions. She has independent authority for making interagency contacts, presenting the project to outside agencies, and making strategic decisions with regard to working with the City of Seattle and Port District. Ms. Rucki develops briefing papers, monitors the scope, schedule and budget. She prepares Confidence Reports and other

required reports, and presents status reports to higher level DOT management including the Assistant Secretary and various other federal agencies as required. These duties are consistent with the work described in the typical work statements for this class.

In total, the overall scope of Ms. Rucki's project management responsibilities reaches the level of complexity required by this class. During the time period under review, the work assigned to Ms. Rucki's position reached beyond performing senior level marine engineering work to include responsibility for performing supervisory and project management functions consistent with the Marine Project Engineer class.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

A position's allocation is based on the duties and responsibilities assigned and how the majority of those duties best fit into the available job classifications. During the period of time under this review, the majority of her work assignments are more closely aligned with the requirements of the MPE class. Therefore, the Marine Project Engineer classification best describes her position and Ms. Rucki's position should be reallocated to that class.

### **Appeal Rights**

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board . . . . Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911.

You may file in person at 521 Capitol Way South, Olympia, Washington. Fax number (360) 586-4694.

For questions, please call (360) 664-0388.

If no further action is taken, the Director's determination becomes final.

c:     Genevieve Rucki, WSDOT  
       Jennifer Martin, WSDOT  
       Lisa Skriletz, OSHRD

Enclosure: List of Exhibits



**GENEVIEVE RUCKI v WSDOT**

**ALLO-12-016**

List of Exhibits

A. Genevieve Rucki Exhibits

1. Request for Director's Review received March 1, 2012 (pages 1-4)
2. February 2, 2012 WSDOT allocation determination letter from Jennifer Martin to Genevieve Rucki (pages 1-3)
3. Seattle Terminal Trestle & Terminal Building Replacement Team Organizational Chart (pages 1-2)
4. WSF Executive Team bi-monthly calendar meeting
5. Federal Co-leads monthly calendar meeting
6. Project briefing calendar meeting
7. Legislative staff calendar meeting
8. Project briefing with Muckelshoot Tribe calendar meeting
9. Seattle Multimodal Terminal at Colman Dock Project web page (pages 1-3)
10. Letter of invitation dated January 13, 2012 to attend an "Agency and Tribal Scoping Meeting" for the Seattle Multimodal Terminal at Colman Dock Project (pages 1-2)
11. Internal Scope of Work Agreement for Seattle Multimodal Terminal at Colman Dock Project
12. WSDOT Environmental Services Office, "Consultant Management Tips" document
13. An example of a "Performance Evaluation Consultant Services form completed for the Seattle Terminal Building and North Trestle Replacement project
14. Job announcement for Marine Project Engineer (pages 1-3)
15. A page from the City of Seattle website with Ms. Rucki's address

Additional Exhibits submitted by Ms. Rucki on April 24, 2012:

16. Table labeled, "Coleman Dock External Coordination Tracker..." (pages 1-2)
17. Calendar meeting notices: Meeting/Briefing attendee list (pages 1-9)
18. Consultant performance evaluations (pages 1-8)
19. WSDOT Executive briefing paper (pages 1-7)
20. Secretary's Executive Order E 1053.01 (pages 1-4)
21. Engineering deliverables (title pages) (pages 1-5)

22. Seattle Design Commission Handbook (pages 1-2)

23. Agency/organization scoping comment list

B. WSDOT Exhibits

1. Position Description form for Genevieve Rucki's position submitted to HR for reallocation on July 19, 2011 (pages 1-3)
2. October 2011 Organizational Chart
3. Position Description form for Genevieve Rucki's position dated signed November 24, 2008 (pages 1-4)
4. DOP Senior Marine Engineer classification specification (Note: This is the classification that was in effect at the time of the position review (pages 1-2)
5. DOP Marine Project Engineer classification specification (pages 1-2)
6. Additional information submitted to HR by Genevieve Rucki dated December 7, 2011 (pages 1-9)
7. Desk Audit Notes by Jennifer Martin January 5, 2012 (pages 1-3)
8. Desk Audit Notes which includes information provided by Tim Smith, Appointing Authority (1 page)